

REMARKS

Claim 20 are canceled and claims 13, 22, and 27 are amended. Thus, claims 1, 3-18, 21-23, and 26-29 remain pending in the case. Further examination and reconsideration of the presently claimed application is respectfully requested.

Allowable Subject Matter

Claims 1 and 3-12 were allowed. Claim 20 was objected to for being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any Intervening claims. The Office Action states some reasons for allowance of claim 20 in the Office Action mailed January 26, 2005. Applicant asserts that it is the combinations of features in these claims that render the claims distinguishable over the cited art, not just the portions of the claims cited in the Office Action.

Applicant sincerely appreciates the Examiner's recognition of the patentable subject matter recited in claims 1, 3-12, and 20 and awaits allowance of the remaining claims in the case. To expedite prosecution, all limitations of claim 20 have been incorporated into base claim 13. Accordingly, it is believed that independent claim 13 and claims dependent therefrom are in condition for allowance.

Section 102 Rejections

Claims 27, 28, and 29 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,584,466 to Serbinis et al. (hereinafter "Serbinis"). The standard for "anticipation" is one of fairly strict identity. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), MPEP 2131. Serbinis does not disclose all limitations of the currently pending claims, some distinctive limitations of which are set forth in more detail below.

Serbinis does not disclose a computer-usable carrier medium comprising a set of program instructions that are executable on a computer for displaying a graphical user interface, which includes representations of multiple communications applications accessible with the computer and representations of multiple potential participants in a

communications session, wherein the representations comprise icons. Independent claim 27 recites in part:

A computer-usable carrier medium, comprising ... a set of program instructions executable on a computer for displaying a graphical user interface including representations of multiple communications applications accessible with the computer and representations of multiple potential participants in the communications session, wherein said representations comprise icons.

As noted in previous Responses to the Office Actions mailed January 14, 2004 and January 26, 2005, Serbinis fails to disclose "a computer-usable carrier medium comprising a set of program instructions that are executable on a computer for displaying a graphical user interface, which includes representations of multiple communications applications accessible with the computer and representations of multiple potential participants in a communications session." In the current Office Action, the Examiner suggests that teaching for the present claim limitation may be found in column 4, lines 15-28 of Serbinis. In particular, the Examiner suggests that Serbinis provides teaching for the above-mentioned limitation by providing a system "that permits interfaces to the multiple services to be accessed using previously known web browsers" (Office Action, page 3). The Applicant disagrees.

Nowhere within the cited passage (or anywhere else within Serbinis) is there any mention of a graphical user interface containing (i) representations of multiple communications applications accessible with the computer, or (ii) representations of multiple potential participants in a communications session. The form (see, column 5, lines 1-10 of Serbinis), which the Examiner points to in the §103 rejection of claim 13 (see, Final Office Action, page 5), is not and cannot be considered equivalent to the presently claimed graphical user interface, because the form disclosed by Serbinis does not include (i) representations of multiple communications applications accessible with the computer, or (ii) representations of multiple potential participants in a communications session. As such, Serbinis fails to disclose all limitations of claim 27, as recited in the Responses to the Office Actions mailed January 14, 2004 and January 26, 2005.

However, the Applicant's agree with the Examiner's contention that Serbinis fails to disclose the limitation "wherein the representations comprise icons" (see, Office Action, page 5). To expedite prosecution, the limitation of "wherein the representations comprise icons" has been added to claim 27 to further distinguish the presently claimed case over the cited art.

For at least the reasons stated above, Serbinis fails to anticipate all limitations of present claim 27. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), MPEP 2131. Applicant's assert that claim 27 and all claims dependent therefrom are patentably distinct over the cited art. Accordingly, removal of this rejection is respectfully requested.

Section 103 Rejections

Claims 13-18, 21-23 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Serbinis in view of U.S. Patent No. 5,887,136 to Yasuda et al. (hereinafter "Yasuda"). To establish a *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP 2143.03. Obviousness cannot be established by combining or modifying the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion or incentive to do so. *In re Bond*, 910 F. 2d 81, 834, 15 USPQ2d 1566, 1568 (Fed. Cir. 1990). The cited art does not teach or suggest all limitations of the currently pending claims, some distinctive limitations of which are set forth in more detail below.

The cited art fails to provide teaching or suggestion for a computer-usable carrier medium including program instructions executable for displaying a graphical user interface including representations of multiple communications applications accessible with the computer and of multiple potential participants in the communications session, wherein said representations comprise icons. Amended independent claim 22 recites in part:

A computer-usable carrier medium, comprising: first program instructions executable on a computer for displaying, on a display screen of the computer, a graphical user interface including representations of multiple communications applications accessible with the computer and of multiple potential participants in the communications session, wherein said representations comprise icons...

Independent claim 13 recites a similar limitation.

As noted above in the §102 arguments, Serbinis fails to disclose a graphical user interface (GUI) including (i) representations of multiple communications applications accessible using the computer, and (ii) representations of multiple potential participants in a communications session. The "form" mentioned on page 5 of the Office Action and column 6, lines 1-10 of Serbinis is not and

cannot be considered equivalent to the presently claimed GUI, because Serbinis fails to mention any of the presently claimed "representations." Such a GUI is also not taught or suggested by Yasuda.

In addition, Serbinis fails to disclose the limitation of "wherein the representations comprise icons," as set forth above in the §102 arguments. Even though Yasuda is combined with Serbinis, there is no mention of the presently claimed "representations," or any representations that comprise icons, within the teachings of Yasuda. The Examiner does not even suggest that such teaching can be found within Yasuda.

Therefore, Applicant's assert that even if Yasuda were combined with Serbinis (without sufficient motivation to do so), the combined teachings of the cited art would still fail to disclose all limitations of present claims 13 and 22.

For at least the reasons set forth above, none of the cited art, either separately or in combination, provides teaching or suggestion for all limitations of present claims 13 and 22. Therefore, claims 13 and 22, as well as claims dependent therefrom, are patentably distinct over the cited art. Accordingly, removal of this rejection is respectfully requested.

In addition to the limitations described above, the cited art fails to provide teaching or suggestion for a means for displaying a graphical user interface, wherein said means are adapted to detect a combined selection of a first icon representing a desired communications application and a second icon representing a desired participant. Amended independent claim 13 recites in part:

A system for computer-based communications, comprising: means for displaying, on a display screen of the computer, a graphical user interface including representations of multiple communications applications accessible using the computer and of multiple potential participants in a communications session, wherein said representations comprise icons, and wherein said means are adapted to detect a combined selection of a first icon representing a desired communications application and a second icon representing a desired participant...

As noted above, Serbinis and Yasuda each fail to teach or suggest, and cannot be combined to teach or suggest, all limitations of present claim 13. However, for the sole purpose of expediting prosecution, independent claim 13 has been further amended to include subject matter deemed in the Office Action as allowable. In particular, claim 13 has been amended to contain the allowable subject matter recited in claim 20: wherein said means are adapted "to detect a combined selection of a first icon representing a desired communications application and a second icon representing a

desired participant." As such, all limitations of allowed claim 20 have now been incorporated into base claim 13.


Applicants agree with the Examiner that the cited art fails to teach various features set out in amended independent claim 13. As described on page 10 of the Office Action, the Examiner indicates that claims containing allowable subject matter (such as amended independent claim 13) would be allowed and, as such, the undersigned anticipates that a Notice of Allowance is forthcoming. No amendments were made to the claims which would warrant further examination since the previously examined dependent claims were inserted into the present independent claims -- those dependent claims noted as being allowable.

CONCLUSION

This response constitutes a complete response to all issues raised in the Office Action mailed July 12, 2005. In view of the amendments and remarks herein, Applicants assert that pending claims 1, 3-18, 21-23, and 26-29 are in condition for allowance. If the Examiner has any questions, comments, or suggestions, the undersigned attorney earnestly requests a telephone conference.

No fees are required for filing this amendment; however, the Commissioner is authorized to charge any additional fees, which may be required, or credit any overpayment, to Deposit Account No. 09-0447.

Respectfully submitted,


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